S.B. Civil Writ Petition NO.1682/2005

Smt. Saziya @ Minaxi Khurana

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 22.3.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.Devendra Singh, for the petitioner.

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The petitioner submitted this writ petition and sought following prayer:

1. By an appropriate writ, order or direction the respondents police forces may kindly be directed to not arresting to the petitioner and her husband Sabit into the FIR lodged by her parents, and the same is may kindly be ordered to be quashed.

2. That the directions may kindly be issued against the respondents and married life of the petitioner may kindly be assure and peaceful life assurance may kindly be awarded to the petitioner and her husband.

3. By an appropriate writ, order or direction the respondents may kindly be directed which this Hon'ble court considers just and proper in the facts and circumstances of this case, may kindly be passed in favour of the petitioner.

4. By an appropriate writ order the statements of the petitioner may kindly be recorded under the supervision of this Hon'ble court. And any magistrate of the Jodhpur may kindly be directed the statement under section 164 of Cr.P.C. for being using into the FIR.

5. That cost of the writ petition may kindly be awarded to the petitioner."

Learned counsel for the petitioner submitted that the FIR has been lodged and, therefore, there is every likelihood that petitioner and her husband may be arrested by the police as the FIR has been lodged by the petitioner's parent. The petitioner is seeking relief of assurance of peaceful married life and also seeking recording of statement by this court and in the alternative by any Magistrate of the court of Jodhpur under Section 164 Cr.P.C. despite the fact that FIR has been lodged by the parent of the petitioner at Gharsana District Sri Ganganagar.

After going through the facts mentioned in the writ petition, I do not find any reason for adopting any extra ordinary procedure simply because the petitioner could prefer the writ petition. The entire procedure is given for giving statement by the petitioner and the procedure has also been given to avoid arrest on proving the case under the provisions of Section 438 Cr.P.C. by securing bail from the

competent court.

Hence, I do not find any merit in this writ petition and the same is hereby dismissed. However, the petitioner shall have liberty to take course, which is permissible to the petitioner under any provision of law.

(Prakash Tatia), J.

c.p.goyal/-